

MEMORANDUM

IRCAC
Agenda Item No. 2(G)

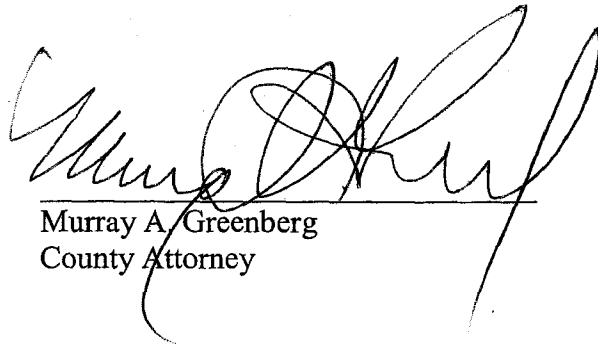
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 13, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging Florida
legislature to enact
legislation banning use of
chains and shackles on
detained children in non-
felony cases

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Audrey M. Edmonson.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 5, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
12-5-06

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION BANNING THE USE OF INDISCRIMINATE CHAINS AND SHACKLES ON DETAINED CHILDREN IN JUVENILE COURTROOMS IN NON-FELONY CASES; AND ESTABLISHING A PRESUMPTION OF NO CHAINS OR SHACKLES IN NON-FELONY CASES ABSENT A SHOWING OF RISK TO SELF OR OTHERS

WHEREAS, in Miami-Dade County, over 5,000 children were securely detained and all brought to juvenile court in shackles during Fiscal Year 2005-2006; and

WHEREAS, juvenile courts were established in the United States more than one hundred years ago for the express purpose of distinguishing between the mental capacity and moral accountability of adult and youthful offenders; and

WHEREAS, throughout the United States, children are seldom handcuffed or shackled, much less handcuffed and shackled in juvenile or family courts; and

WHEREAS, prevention and rehabilitation, rather than shame and humiliation, should be paramount in Florida's juvenile delinquency courtrooms; and

WHEREAS, indiscriminately chaining and shackling detained children who enjoy the constitutional presumption of innocence and present no risk of escape or harm is contrary to, and undermines, the rehabilitation focus of juvenile court; and

WHEREAS, indiscriminately chaining and shackling detained children violates international law and norms, and

WHEREAS, indiscriminately chaining and shackling detained children is abusive and degrading, and is an affront to the dignity of children in juvenile court proceedings; and

WHEREAS, indiscriminately shackling a child in handcuffs and leg irons causes or is likely to cause the child's physical, mental, or emotional health to suffer; and

WHEREAS, children who appear before judges in dependency courtrooms because a parent or guardian has abandoned, neglected or abused them should not be subjected to further harm by being forced to appear in chains and shackles; and

WHEREAS, leg shackles and belly chains are not routinely used when adult defendants appear in court; and

WHEREAS, indiscriminately shackling all detained children is too extreme when there are other less restrictive alternatives to protecting public safety in the courtroom while maintaining the dignity of children and the court proceedings; and

WHEREAS, the use of exceptional restraints must be reserved for cases where the Court makes an individualized determination that unusual facts warrant such an extreme measure,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation banning the use of indiscriminate chains and shackles on detained children in juvenile courtrooms in non-felony cases; and establishing a presumption of no chains or shackles in non-felony cases absent a showing of risk to self or others.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chair and members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative package.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

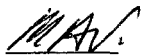
The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of December, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Maria Arista-Volsky